

**Wittels  
McInturff  
Palikovic**

18 Half Mile Road  
Armonk, NY 10504

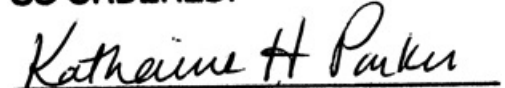
January 25, 2021

**Via ECF**

Honorable Katharine H. Parker  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**The Clerk of Court is requested to place ECF #142-3 under seal.**

**SO ORDERED:**

  
**HON. KATHARINE H. PARKER  
UNITED STATES MAGISTRATE JUDGE  
01/26/2021**

Re: *Nichols, et al., v. Noom, Inc., et al.*, No. 20 Civ. 3677 (LGS) (KHP)

Dear Judge Parker:

We write jointly on behalf of Plaintiffs and the proposed Class and Defendants Noom, Inc. and Artem Petakov (“Defendants”) in accordance with Your Honor’s Individual Rule § III.d. to request that the Court issue an order formally sealing Plaintiffs’ Redlined Proposed Third Amended Class Action Complaint, ECF No. 142-3, which is currently sealed by the Southern District’s ECF Help Desk on an emergency basis. The parties further request leave to publicly file a version of ECF No. 142-3 with an additional redaction beyond those proposed by the parties in ECF Nos. 156 and 159, and so-ordered by the Court in ECF No. 160.

Plaintiffs are filing under seal, contemporaneously with the docketing of this letter, an unredacted version of ECF No. 142-3 with the additional proposed redaction highlighted in red. Per the Southern District of New York Electronic Case Filing Rules & Instructions § 6.5(a), the parties respectfully submit that the Viewing Level to be applied to the unredacted version of the Redlined Proposed Third Amended Class Action Complaint filed under seal should be “Selected Parties”—that is, limited to counsel of record.

The additional proposed redaction is an item of business information which Defendants have designated “Confidential” pursuant to the operative protective order. Defendants respectfully submit that the Court has already sealed this same information in its order at ECF 160, and that this redaction should be allowed for the same reasons set forth by Defendants in the parties’ joint letter, ECF No. 156, and subsequently endorsed by the Court. Plaintiffs do not object to this additional redaction.

Because the information to be sealed was initially filed publicly in Plaintiffs’ Redlined Proposed Third Amended Class Action Complaint, ECF No. 142-3, the parties sought emergency sealing from the Help Desk and Defendants now request that the Court formally seal ECF No. 142-3, again for the reasons set forth by Defendants in the parties’ joint letter, ECF No. 156, and subsequently endorsed by the Court in ECF No. 160. Plaintiffs do not object to the sealing of ECF No. 142-3.

Thank you for the Court's consideration of this matter.

Respectfully Submitted

/s/ Jessica L. Hunter

Jessica L. Hunter

*Counsel for Plaintiffs and the  
Proposed Class*

cc: All Counsel of Record (*Via ECF*)